

Pt. 154, App. D

32 CFR Ch. I (7–1–08 Edition)

GUIDE FOR REQUESTING DOD NATIONAL AGENCY CHECK WITH INQUIRIES (DNACI) OR NACI (TABLE 4)—Continued

A If the individual is a:	B And duties require:	C Then DNACI/NACI is required
U.S. national military member, DoD civilian or contractor employee. Applicant for appointment as a commissioned officer.	Occupying a “controlled” position in the Nuclear Weapon PRR. Commission in the Award Forces	Before assignment. Before appointment (after appointment for health professionals, chaplains, and attorneys, under conditions authorized by § 154.15(d) of this part). To be initiated 90 days after entry.
Naval Academy Midshipman, Military Academy Cadet, or Air Force Academy Cadet. Reserve Officer Training Corps Cadet of Midshipman.	Enrollment Entry to advanced course or College Scholarship Program.	Then a DNACI is required to be initiated 90 days after entry.

Note 1: First term enlistees shall require an ENTNAC.
Note 2: Provided DD Form 398–2 is favorably reviewed, local records check favorably accomplished, and DNACI initiated.
Note 3: Provided an authority designated in Appendix E finds delay in such appointment would be harmful to national security; favorable review of DD Form 398–2; NACI initiated; favorable local records check accomplished. Table 5.

GUIDE FOR REQUESTING NATIONAL AGENCY CHECKS (NAC) (TABLE 5)

A If the individual is a:	B And duties require:	C Then a NAC is required:
A first-term enlistee	Retention in the Armed Forces (including National Guard and Reserve).	To be initiated NLT three work days after entry (note 1).
Prior service member reentering military service after break in Federal employment exceeding 1 year.	Retention in the Armed Forces (including National Guard and Reserve).	To be initiated NLT three work days after reentry.
Nominee for military education and orientation program.	Education and orientation of military personnel.	Before performing duties (note 2).
U.S. national military, DoD civilian, or contractor employee.	Access to restricted areas, sensitive information, or equipment as defined in § 154.18(b).	Before authorizing entry.
Nonappropriated fund instrumentality (NAFI) civilian employee.	Appointment as NAFI custodian Accountability for non appropriated funds ..	Before appointment. Before completion of probationary period.
	Fiscal responsibility as determined by NAFI custodian.	Before completion of probationary period.
	Other “positions of trust”	Before appointment.
Persons requiring access to chemical agents.	Access to or security of chemical agents ...	Before assignment.
U.S. national, civilian employee nominee for customs inspection duties.	Wavier under provisions of § 154.18(d)	Before appointment (note 3).
Red Cross/United States Organization personnel.	Assignment with the Armed Forces overseas.	Before assignment (See note 4 for foreign national personnel).
U.S. national	DoD building pass	Prior to issuance.
Foreign national employed overseas	No access to classified information	Prior to employment (note 4).

Note 1: Request ENTNAC only.
Note 2: Except where personnel whose country of origin is a country listed at Appendix G, a BI will be required (See § 154.18(1)).
Note 3: A NAC not over 5 years old suffices unless there has been a break in employment over 12 months. Then a current NAC is required.
Note 4: In such cases, the NAC shall consist of: (a) Host government law enforcement and security agency record checks at the city, state (province), and national level, and (b) DCII.

APPENDIX D TO PART 154—REPORTING OF NONDEROGATORY CASES

Background Investigation (BI) and Special Background Investigation (SBI) shall be considered as devoid of significant adverse information unless they contain information listed below:

1. Incidents, infractions, offenses, charges, citations, arrests, suspicion or allegations of illegal use or abuse of drugs or alcohol, theft

or dishonesty, unreliability, irresponsibility, immaturity, instability or recklessness, the use of force, violence or weapons or actions that indicate disregard for the law due to multiplicity of minor infractions.

2. All indications of moral turpitude, heterosexual promiscuity, aberrant, deviant, or bizarre sexual conduct or behavior, transvestitism, transsexualism, indecent exposure, rape, contributing to the delinquency of a minor, child molestation, wife-swapping,

window-peeping, and similar situations from whatever source. Unlisted full-time employment or education; full-time education or employment that cannot be verified by any reference or record source or that contains indications of falsified education or employment experience. Records or testimony of employment, education, or military service where the individual was involved in serious offenses or incidents that would reflect adversely on the honesty, reliability, trustworthiness, or stability of the individual.

3. Foreign travel, education, visits, correspondence, relatives, or contact with persons from or living in a foreign country or foreign intelligence service.

4. Mental, nervous, emotional, psychological, psychiatric, or character disorders/behavior or treatment reported or alleged from any source.

5. Excessive indebtedness, bad checks, financial difficulties or irresponsibility, unexplained affluence, bankruptcy, or evidence of living beyond the individual's means.

6. Any other significant information relating to the criteria included in paragraphs (a) through (q) of §154.7 or Appendix H of this part.

[52 FR 11219, Apr. 8, 1987, as amended at 58 FR 61026, Nov. 19, 1993]

APPENDIX E TO PART 154—PERSONNEL SECURITY DETERMINATION AUTHORITIES

A. *Officials authorized to grant, deny or revoke personnel security clearances (Top Secret, Secret, and Confidential):*

1. Secretary of Defense and/or designee
2. Secretary of the Army and/or designee
3. Secretary of the Navy and/or designee
4. Secretary of the Air Force and/or designee
5. Chairman, Joint Chiefs of Staff and/or designee
6. Directors of the Defense Agencies and/or designee
7. Commanders of the Unified and Specified Commands and/or designee

B. *Officials authorized to grant Limited Access Authorizations:*

1. Secretaries of the Military Departments and/or designee
2. Director, Washington Headquarters Service for OSD and/or designee
3. Chairman, JCS and/or designee
4. Directors of the Defense Agencies and/or designee
5. Commanders, Unified and Specified Commands and/or designee

C. *Officials authorized to grant access to SCI:*
Director, NSA—for NSA
Director, DIA—for OSD, OJCS, and Defense Agencies

Senior Officers of the Intelligence Community of the Army, Navy, and Air Force—for their respective Military Departments, or their single designee.

D. Officials authorized to certify personnel under their jurisdiction for access to Restricted Data (to include Critical Nuclear Weapon Design Information): see enclosure to DoD Directive 5210.2.

E. Officials authorized to approve personnel for assignment to Presidential Support activities: The Executive Secretary to the Secretary and Deputy Secretary of Defense or designee.

F. *Officials authorized to grant access to SIOP-ESI:*

1. Director of Strategic Target Planning
2. Director, Joint Staff, OJCS
3. Chief of Staff, U.S. Army
4. Chief of Naval Operations
5. Chief of Staff, U.S. Air Force
6. Commandant of the Marine Corps
7. Commanders of Unified and Specified Commands
8. The authority to grant access delegated above may be further delegated in writing by the above officials to the appropriate subordinates.

G. *Officials authorized to designate sensitive positions:*

1. Heads of DoD Components or their designees for critical-sensitive positions.
2. Organizational commanders for non-critical-sensitive positions.

H. *Nonappropriated Fund Positions of Trust:*

Officials authorized to designate non-appropriated fund positions of trust: Heads of DoD Components and/or their designees.

APPENDIX F TO PART 154—GUIDELINES FOR CONDUCTING PRENOMINATION PERSONAL INTERVIEWS

A. *Purpose.* The purpose of the personal interview is to assist in determining the acceptability of an individual for nomination and further processing for a position requiring an SBI.

B. *Scope.* Questions asked during the course of a personal interview must have a relevance to a security determination. Care must be taken not to inject improper matters into the personal interview. For example, religious beliefs and affiliations, beliefs and opinions regarding racial matters, political beliefs and affiliations of a nonsubversive nature, opinions regarding the constitutionality of legislative policies, and affiliations with labor unions and fraternal organizations are not proper subjects for inquiry. Department of Defense representatives conducting personal interviews should always be prepared to explain the relevance of their inquiries. Adverse inferences shall not be drawn from the refusal of a person to answer questions the relevance of which has not been established.